

(2014) 05 RAJ CK 0097
In the Rajasthan High Court
Case No : Civil Writ Petition No. 1798/2012

Govind Das Vaishnav and Others	Vs	APPELLANT
State of Rajasthan and Others		RESPONDENT

Date of Decision : 26-05-2014

Acts Referred:

Citation : (2014) 05 RAJ CK 0097

Hon'ble Judges : Vineet Kothari, J

Bench : Single Bench

Advocate : Ramesh Purohit and Mr. Arjun Purohit, Advocate for the Appellant; Rishabh Tayal on behalf of Mr. K.L. Thakur, AAG for the State, Advocate for the Respondent

Final Decision : Disposed Off

Judgement

Dr. Vineet Kothari, J.—The petitioners have filed the present writ petitions for seeking a direction to the respondents to count their probation period of petitioners with effect from the date on which the similarly situated persons were granted appointment.

2. Both the learned counsels submitted that the controversy involved in these writ petitions are covered by the decision of this Court in the case of Suman Jhanwar & Ors. Vs. State of Rajasthan & Ors. along-with connected 6 writ petitions (SBCWP No. 5405/2012, decided on 12th May, 2014), in which this Court held as under:-

After the legal battle, the petitioners were given appointment as "Prabodhak" under the Rajasthan Panchayati Raj Prabodhak Service Rules, 2008. Though the petitioners were originally appointed as Prabodhak vide the order (Annex. 2) dated 29.09.2008 by the order of the District Education Officer, however, they were not given joining on the said post, and after approaching this Court under the directions of this Court, in case of the present petitioners who were appointed vide the order (Annex. 4) dated 24.02.2009, however, were not given

the notional benefit of seniority etc. from the date of original appointment on 29.09.2008, hence, the present writ petition was filed.

Mr. N.R. Choudhary, learned counsel for the petitioners submitted that for other similarly situated persons vide Annex. 5 dated 19.10.2011, the District Education Officer, Bhilwara, had given appointment to certain persons like Asha Joshi and Aruna Pareek etc. (16 in number) giving them the notional benefit of seniority from the date of 01.10.2008 as Prabodhak even though they were actually appointed under the order (Annex. 5) dated 19.10.2011 in pursuance of the directions of this Court. Since the petitioners have been given different treatment and no such similar notional benefit with effect from retrospective date has been given to the petitioners, hence, the present writ petitions have been filed by them. The other petitioners before this Court also claim similar relief/s.

The petitioners have not first brought these facts to the notice of the respondents before approaching this Court, therefore, the present writ petitions filed by the petitioners are considered as premature.

Therefore, the present writ petitions are disposed of with liberty and direction to the petitioners to file appropriate representation with relevant evidence before the appointing authority, who has issued the orders of appointment to the petitioners claiming the same relief, as purportedly given to other similar situated persons. It is expected of the said respondent authority to pass speaking orders after providing the opportunity of hearing to the petitioners or their authorized representative as to why similar benefit cannot be extended to them though others persons have been given such benefits. If, however, any adverse order is passed against the petitioners, the petitioners will be at liberty to avail the legal remedy available to them in accordance with law.

The writ petitions are, accordingly, disposed of. No costs. A copy of this order be sent to the concerned parties forthwith.

3. The present writ petitions are also disposed of in same terms. No order as to costs. A copy of this order be sent to the parties forthwith.